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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,  
METROPOLITAN PUBLIC DEFENDER  
SERVICES, INC., & A.J. MADISON,**  
Plaintiffs,

v.

**SAJEL HATHI**, in her official capacity as head  
of the Oregon Health Authority, & **SARA  
WALKER**, in her official capacity as  
Superintendent of the Oregon State Hospital,  
Defendants.

**JAROD BOWMAN and JOSHAWN  
DOUGLAS-SIMPSON,**  
Plaintiffs,

v.

**SARA WALKER**, Interim Superintendent of the  
Oregon State Hospital, in her official capacity,

Case No. 3:02-cv-00339-MO (Lead Case)  
Case No. 3:21-cv-01637-MO (Member Case)

UNOPPOSED MOTION TO EXTEND  
REMEDIAL ORDER

**DOLORES MATTEUCCI**, in her individual capacity, **SAJEL HATHI**, Director of the Oregon Health Authority, in her official capacity, and **PATRICK ALLEN**, in his individual capacity,  
Defendants.

## **UNOPPOSED MOTION TO EXTEND REMEDIAL ORDER**

### **LR 7-1 Certification**

Undersigned counsel for the Plaintiffs hereby certifies that Plaintiffs have conferred with counsel for Defendants prior to bringing this motion. Counsel for Defendants does not oppose this motion. Counsel for Plaintiffs also contacted counsel for all amici to let them know the motion would be filed.

### **Motion**

Plaintiffs hereby move this Court for an order extending the current remedial order (Dkt. No. 416) for a period of six months. That order has been extended once before (Dkt. No. 457) and is set to expire on December 31, 2024 “unless renewed by the Court prior to that time.” (*See* Dkt. No. 416) at 8. Plaintiffs request that the Court renew the current remedial order.

### **Memorandum**

The Court initially issued a remedial order in this case on September 1, 2022 (Dkt. No. 271). The order was at the request of the Plaintiffs and implemented the recommendations of the neutral expert, Dr. Pinals. That order was amended twice (Dkt. 387, 416) and was set to expire on December 31, 2023, but the Court extended it to December 31, 2024. (Dkt. 457).

While the remedial order was successful for a time in assisting Defendants to comply with the permanent injunction, Defendants have fallen out of compliance. While Plaintiffs do not

expect the extension of the remedial order will bring the Defendants back into compliance, we fear that allowing the order to expire will exacerbate the problem.

As the Court noted at the most recent status conference (Dkt. 527), the current state of the Defendants' compliance with the injunction is not acceptable and other remedial measures will be briefed by both parties. In the meantime, the order remains necessary, and the Court has the power to extend it. *Stone v. City & County of San Francisco*, 968 F.2d 850, 856 (9th Cir. 1992). Plaintiffs respectfully request that this Court extend the remedial order for six months.

DATED this 12th day of December, 2024.

DISABILITY RIGHTS OREGON

/s David Boyer

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Douglas-Simpson*

CERTIFICATE OF SERVICE

I hereby certify that I filed a true and correct copy of this document via the CM/ECF portal for the United States District Court for the District of Oregon on this 12<sup>th</sup> day of December, 2024, Participants in this case who are registered CM/ECF users will be served by the CM/ECF system. Additionally, all counsel for parties and amici were provided an e-mailed courtesy copy.

DISABILITY RIGHTS OREGON

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